

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 08, 2024

SEAN F. MCAVOY, CLERK

U.S.A. vs. Howard, Richard Olaf Docket No. 0980 1:23CR02031-SAB-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Linda J. Leavitt, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant, Richard Olaf Howard, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge Alexander C. Ekstrom, sitting in the court at Yakima, Washington, on the 21st day of July 2023, under the following conditions:

Additional Condition #1 (ECF No. 37): Defendant must reside at the clean and sober house in Yakima, Washington, and may not change residences without prior approval from Pretrial Services.

Additional Condition #4 (ECF No. 58): Home Detention: Defendant shall be restricted to a clean and sober residence approved by United States Probation/Pretrial Services at all times except for attorney visits; court appearances; case-related matters; court-ordered obligations. Defendant may attend other essential activities as pre-approved by the United States Probation/Pretrial Services Office, including but not limited to employment; grocery shopping; primary care giving; religious services; medical necessities; and substance abuse testing or treatment.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On July 19, 2023, the defendant appeared before Your Honor on a motion to reopen detention (ECF No. 22). Mr. Howard was granted release to inpatient treatment. Conditions were verbally reviewed with him in court. Mr. Howard acknowledged an understanding of his conditions and requirements of pretrial release.

On January 4, 2024, Mr. Howard signed ECF No. 24 and ECF No. 37, to include standard and special conditions imposed by the Court, acknowledging an understanding of his requirements while under pretrial supervision.

On February 20, 2024, Mr. Howard made an initial appearance for pretrial violations reported via petitions, ECF No. 39, ECF No. 45, ECF No. 47, and ECF No. 50. Violations 1-3 were held in abeyance. Mr. Howard was placed under location monitoring with Global Positioning Satellite (GPS) and home detention.

On March 4, 2024, the Court issued a warrant (ECF No. 61) based continued noncompliance. Mr. Howard was arrested on said warrant March 5, 2024.

On March 6, 2024, Mr. Howard made an initial appearance on additional pretrial violations reported via petition, ECF No. 60. Mr. Howard's pretrial supervision was revoked and he was detained.

Violation #10: Mr. Howard is alleged to be in violation of his conditions of pretrial release by failing to abide by the clean and sober house rules, by allowing two individuals to reside in the home between February 23, and February 25, 2024.

On February 26, 2024, Mr. Howard reported to the probation office. During the visit, Mr. Howard shared his roommate at the clean and sober house was being "mean and rude" to him. With Mr. Howard in her office, this officer texted via cellular telephone, the house manager asking if Mr. Howard could be moved to a different room as he was not comfortable in his current room. After Mr. Howard left the probation office, the house manager texted this officer stating, "I will be kicking this individual out today for drug use when I get back into town, and I will be talking to Richard about his family that he let move in with him."

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Per the house manager, "I've been out of town all weekend and was informed last night of this." This officer asked the house manager if it was the female providing transportation for Mr. Howard to appointments and he confirmed "yes, her and some guy." To be noted, the female noted reported to the probation office with Mr. Howard on February 22, 2024, and was introduced as his "friend."

On February 26, 2024, this officer made email contact with his assigned counsel to advise of the above information from the clean and sober house asking if they could address the above with Mr. Howard.

On February 27, 2024, this officer texted the clean and sober house manager asking how his meeting with Mr. Howard went and if the female had left. Per the house manager, "yes she left. I'm gonna have another sit down with him today or tomorrow and go over the rules in depth with him, that way I know for sure that he understands completely."

On March 7, 2024, this officer made telephone contact with the house manger to obtain additional information about the above-noted events. Per the house manager, he was notified by a resident on the evening of February 25, 2024, Mr. Howard had a male and female staying in the house. The resident stated Mr. Howard said they were "family." The house manager was advised he was told the male and female were sleeping on the couches, using the restroom facilities, and eating meals at the house beginning February 23, and ending February 25, 2024. According to the house manager, another resident in the home told Mr. Howard during the above-noted dates that no one was allowed to stay in the house except him. This officer asked the house manager if there was a curfew for visitors. He stated, "yes, 11 p.m." Per the house manager, he met with Mr. Howard on February 27, 2024, they reviewed the house rules and Mr. Howard signed the rules acknowledging an understanding.

Violation #11: Mr. Howard is alleged to be in violation of his conditions of pretrial release by failing to abide by his location monitoring schedule on March 4, 2024.

On March 3, 2024, Mr. Howard submitted his location monitoring schedule for the week. Mr. Howard requested to attend a sober support meeting from 11:30 a.m. to 1 p.m. on March 4, 2024. This officer entered his schedule into the BI Total Access program as provided.

On March 4, 2024, this officer received an alert from the BI Total Access program reflecting Mr. Howard failed to enter his inclusion zone (residence) at 1 p.m. as submitted on his approved schedule. This officer sent Mr. Howard a text message asking where he was as his schedule ended at 1 p.m. Mr. Howard responded, "what is wrong now, I was at my meeting and then took the bus back to my clean and sober house." This officer sent Mr. Howard a copy of his submitted schedule (via text) reflecting a return time of 1 p.m. Mr. Howard stated, "so I need to put 1:30 p.m. or 2:00 p.m. this is my travel time home, that was my mistake."

PRAYING THE COURT WILL INCORPORATE THE ABOVE ALLEGATION WITH THE
PREVIOUSLY FILED PETITIONS BEFORE THE COURT

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: 03/08/2024

by s/Linda J. Leavitt

Linda J. Leavitt
U.S. Pretrial Services Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

March 8, 2024

Date